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5	TRANSCRIPT	
6	OF	
7	STILLWATER COUNTY BOARD OF COMMISSIONERS	
8	PUBLIC HEARING	
9	HELD WEDNESDAY, FEBRUARY 3, 2021, 10:00 A.M. EVANGELICAL CHURCH	
10	2 EAST 1ST AVENUE NORTH COLUMBUS, MONTANA	
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25	Reported by Sharon L. Gaughan, RDR, CRR, CRC	

1	Commissioners present:	Mark Crago Steve Riveland Tyrel Hamilton (via Zoom)
3	Commissioner Admin:	
4	Clerk & Recorder Admin:	
5		John Thomas
6	Zoom operator.	
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WEDNESDAY, FEBRUARY 3, 2021

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CHAIRMAN CRAGO: All right. It is
Wednesday, February 3rd, 2021. It's 10 a.m. For
those on Zoom and in the room, I'm going to start
our normal recorder for commissioner meetings. We
also do have a court reporter in reporting on
today's hearing, as well as Zoom will be recording
the meeting as well, so.

All right. Like I just said, today is Wednesday, February 3rd, 2021. It's 10 a.m.
We'll open the public hearing. I'm Mark Crago,
Commissioner and Chair. To my right is
Commissioner Steve Riveland. And Commissioner
Tyrel Hamilton had a previous engagement that he was already scheduled out for and is going to try to attend via Zoom today as well as to be listening in.

The reason for the hearing today is the creation of a citizen-initiated zoning district consisting of approximately 84,000 acres in the southern portion of Stillwater County. We're now going to let David Katz, the citizens' own representative, give us a short background on where the citizens are coming from and why they have presented this petition to create the zone to

the commission.

So at this time, Mr. Katz, if you would speak about the petition. Thank you.

MR. KATZ: Thank you, Commissioner Crago.

My name is David Katz. My family has owned land

in Stillwater County for nearly 50 years, and that

property is within the proposed zoning district.

We were signers of the petition to form the

Stillwater County Beartooth Front Zoning District.

I'm here today speaking on behalf of the Beartooth Front Coalition to provide an overview of our case for forming this district. As with many of our speakers today, my remarks are a summary of submitted written remarks, which include citations and more information. Please consider the entire record in making your decision.

Stillwater County landowners along the Beartooth Front have been working for the last seven years to establish a citizen-initiated zoning district to protect against the surface impacts of oil and gas activity.

In February 2018 we submitted supporting signatures from more than 60 percent of the affected landowners in the proposed district as

required by Montana law. Joan Brownell will detail the long history of our efforts later in this hearing.

As stated in the petition, we believe that this district is in the public interest or convenience, as oil and gas activity without local protections threaten substantial adverse impacts. We classify these adverse impacts as to private property; to public property, such as county roads and bridges and infrastructure; quality and quantity of both surface and groundwater; air quality; and the quality and quantity of soil.

Our task today and what we're asking the Commissioners to consider in this hearing is whether this zoning district is in the public interest or convenience. And we'll provide evidence to show this is the case.

Once the Commissioners have made this determination, the process is clearly spelled out in law. We will ask you to create a planning and zoning district and to appoint a planning and zoning commission and to consider protections specified by law.

Since the purpose of this hearing is to determine whether the proposed zoning district is

in the public interest or convenience and will be the responsibility of the planning and zoning commission to consider protections, we are not proposing specific regulations today, nor should the Commissioners consider that we're advocating any specific proposal.

It's important to note that all our submissions and discussions are intended as not to prohibit oil and gas development, but to provide reasonable protections against potential adverse impacts.

The question of what is the public interest or convenience? This is the standard in law, public interest or convenience. It is equivalent to the public health, safety, and general welfare, which is the standard for all zoning law. Our representative, Kim Wilson, will present the legal basis for this later in the hearing.

The boundaries of the proposed district include 84,000 acres in Stillwater County where oil and gas extraction will require advanced technology, including horizontal drilling and hydraulic fracturing. That area is part of the Nye-Bowler Lineament, and Burt Williams, one of

our petitioners, will be providing a detailed description of the basis for these boundaries.

Now, I would like to address why this area requires different protections from other areas. Montana is a geographically diverse state, bisected by the Continental Divide. The mountainous geography in the western part of the state and along the Beartooth Front is very different from Richland and Fallon Counties, the two largest oil-producing counties in the state. One size doesn't fit all. Different protections are required for very different regions.

It's also true that the 84,000 acres of land in the proposed zone along the Beartooth Front are different from other areas of Stillwater County. Here are several reasons why: The proposed zone includes the Upper Stillwater River, which is the lifeblood of the county.

Senator Tester has recently proposed legislation that would protect part of the Upper Stillwater as a wild and scenic river, which would keep it in its pristine state above the mine.

This has already passed for the East Rosebud with Senator Daines in support.

Residents of the proposed zone do not

have a municipal source of water, as in places like Absarokee or Columbus. All water comes from wells and the rivers located within the proposed zone, so the fragility of the water supply is a greater concern.

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The primary economy of the proposed zone is different from many parts of the county.

Within the proposed zone, most land is used for agriculture or ranching. Later in this hearing you'll hear from our expert, Kevin Chandler, he'll describe the stresses that oil and gas drilling place on the agricultural economy.

Recreation and tourism are also important parts of the local economy in the proposed zone. Hiking, boating, camping, and hunting draw thousands of visitors annually. Today you'll hear from nonresidents of the proposed district who want to see these protections and areas preserved.

And the proposed zone also abuts the Sibanye-Stillwater Mine, the only platinum palladium mine in North America. Residents of this proposed zone have a distinct advantage of having co-existed with the mine for over 20 years without substantial environmental damage. The experience of the local community in effectively

co-existing with the mine give an advantage in dealing with potential oil and gas operators.

And in my personal remarks later in the hearing, I'll be discussing the different ways in which other Montana counties and other states provide protections they deem appropriate.

according to our proposal there should be no direct cost to Stillwater County or its taxpayers in that this proposal is consistent with other district policy. What we propose in the preamble to our petition is, and I quote, We propose that the County adopt regulations that would include a fee structure, with the fee to be paid by the applicant for a permit, that would reimburse the County for all county expenses reasonably related to the issuance of the permit for oil and gas activity. We believe this is a logical approach, and if the Commissioners follow it, there will be no direct cost to the county taxpayers.

Our petition is also consistent with the Stillwater growth policy of 2007, which is the one that was in force when our petition was submitted, and with the 2018 update. Petitioner Hank Lischer will explain that we have been complying with

every stage of this process.

Our petition is also consistent with existing Stillwater County policy, as Petitioner Lana Sangmeister will explain, and it's also consistent with the Stillwater County health regulations recently passed by the Stillwater County Planning Board and currently being considered by the Commissioners, which suggests the establishment of conditional use permits to offset the cost of county development.

So let's look at some of the ways that we are concerned about adverse impact. First is protecting private property. It's clear to us from the work that we've been doing for the last seven years, that many of the surface owners who signed our petition do not own all of the mineral interests associated with their surface estate.

Two peer-reviewed studies provide considerable evidence that drilling can decrease property values for the surface estate owner. One conducted at Duke University on properties in Pennsylvania found that in areas using well water, as ours is, home prices dropped by an average of over \$30,000 if the homes were within 1.5 kilometers of the well.

Another in November 2020 looked at fracking and real estate prices in Oklahoma.

Findings of the study were clear, and I quote,
They clearly indicate that the overall impact of fracking on housing prices is negative; that is,
fracking has lowered housing prices.

Both of these citations are in my written comments and Arleen Boyd will be discussing them later in the hearing.

Secondary is protecting public property infrastructure. Additional oil and gas activity along the Beartooth Front would cause significant wear and tear on county roads and bridges. This will be a substantial cost to the County under current policies. Putting protections in place will shift that cost back to operators, where it belongs. Petitioner Anne Moses will discuss the specific impact on the Stillwater River Road.

An example of how traffic can be managed to protect county roads is the Good Neighbor Agreement, a binding contract between the Sibanye Mine and the Stillwater Protective Association.

The community's experience of the benefits of the Good Neighbor Agreement is one reason its landowners are eager to develop similar

protections with the oil and gas industry. 1 2 Charles Sangmeister will speak on this topic 3 later. Infrastructure is impacted, too. 4 Drilling requires workers, and what we have seen 5 in the Bakken is the importation of workers, 6 mostly men, to meet this need. 7 This influx can put a sizable burden on public infrastructure, 8 9 including housing, health, education, and especially the criminal justice system. 10 Petitioner Rita Westrum will talk about her time 11 12 living in the Williston Basin. 13 Montana law provides no automatic increase in payments from the state to cover 14 15 infrastructure damage or increased expense, which 16 means the costs falls to the County and to taxpayers to pay for this unless the costs are 17 properly allocated to operators. Julia Haggerty, 18 19 an expert on this subject, will be addressing this. 20 Protecting surface and groundwater. 21 water in the proposed zone comes from surface 22 23 waterways and underground sources. Clean and 24 pure, it's the lifeblood of the area. The U.S.

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Environmental Protection Agency, after a six-year

study in 2020, found scientific evidence that 1 fracking and its associated activities impact 2 drinking water resources, most commonly because of 3 spills and discharges. 4 Spills are an inevitable byproduct of 5 According to a peer-reviewed study 6 fracking. 7 documented in my written remarks, as many as 16 percent of wells leak or spill every year. 8 In North Dakota alone, there were 4453 9 This is consistent with data 10 spills in ten years. from the Montana Board of Oil & Gas, which 11 12 documents 93 so-called incidents in 2019 alone. 13 While the board does not keep data of the impact upon water, there is certainly reason for concern. 14 Our water is the basis of our economy and 15 quality of life, and our health, safety, and 16 welfare demands we protect it. Today we will hear 17 from Kevin Jordan, Deborah Griffin, Laurie Moses, 18 and others on this topic. 19 Protecting air quality. Air pollutants 20 are released in every phase of the fracking 21 22 process. Most common pollutants associated with 23 oil and gas development is methane, carbon dioxide, volatile organic compounds, and hydrogen 24

Health impacts of exposure to these

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sulfide.

pollutants is just now becoming clear, as it takes time and research to catch up with some of them. Things happened over just the last 12 years or so. But a peer-reviewed 2019 study cited in my written comments shows significant health impacts. There are six studies alone that show associations between proximity to drilling and adverse impacts on pregnancy and birth abnormalities.

Studies also show links to migraine headaches, chronic rhinosinusitis, severe fatigue, asthma, and psychological and stress-related outcomes. Pat Wilson, who owns property in Bainville, and has lived through the oil boom in the Montana pocket, had to move his primary residence to New Mexico because of the impact of air quality on his wife's health. Please listen to his testimony today and read his compelling written testimony on this subject. Public health requires protection.

In conclusion, we've been at this for about seven years. We're not opposed to oil and gas drilling, but we value our health, safety, and welfare. We own here, we live here, we summer here, because we believe this is a place more beautiful than any others.

We kept at it. Gathered over 575 signatures, some multiple times as the County required, and we found that a large majority of landowners wanted to protect their property and were ready to sign.

We persevered when our petition was rejected, and that's why we're here today.

Despite what everyone is telling you, we have only one interest: Protecting ourselves from the adverse impacts of oil and gas activities. Those who would tell you we want to close the mine or provide zoning restrictions outside of this proposed zone are mistaken and they have no evidence.

Over 60 percent of the landowners along the Beartooth Front signed this petition. This is what we want. Few opponents here today own land in the proposed zone. Land outside the zone will not be affected by proper protections inside the zone. And if our recommendations are followed, there should be little, if any, cost to taxpayers to put those in place.

So today we urge you to find the zoning district in the public interest or convenience, form a planning and zoning commission, and help us 15

get to work putting these protections into place. 1 Thank you. 2 Okay. Thank you, David. CHAIRMAN CRAGO: 3 Next we'll get into the question and comment 4 We are going to run this a 5 portion of this. little bit differently because we're doing a Zoom 6 and in person as well. I believe the legal team 7 of the petitioning party and the County's legal 8 9 team, we've agreed that we'll do all the proponents first, hear from their side, and then 10 hear all opponents. 11 12 Everyone is limited to three minutes. Our admin from the Clerk and Recorder and admin 13 from the Commissioners' Office will be timing. 14 15 One of them will call out one minute when you have one minute remaining. And if you're on Zoom when 16 17 your three minutes is up, you will be muted and we will move on to the next person. In the room when 18 19 your time comes to speak, when your time is up, you will be asked to stop. 20 This is a public 21 Another reminder. hearing, this isn't a debate. This is an 22 opportunity for potentially two different types of 23 opinions to be able to have a free voice to view 24

The expectation is

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their side and their opinion.

to respect the other's opinion even if you don't 1 necessarily agree with their opinion. It is at 2 this time that we're here today to listen to 3 everyone's opinion. We're not to debate the value 4 or the lack of value to anyone's thoughts or input 5 6 today. So with that being said, we do have, from 7 Morrison & Maierle, our IT guy today who will be 8 running the Zoom meeting for us. And, John, do 9 you have the list in front of you? All right. 10 So, John, we'll turn it over to you and you can 11 start running through the list of Zoom and we'll 12 get to the room as quick as we can. So thank you 13 all. 14 I would like to --Hello. MR. HEYNEMAN: 15 I would like to thank you for holding areetinas. 16 this hearing, and thank you to the Evangelical 17 Church to support this Zoom. 18 My name is Alex Heyneman and I am a 19 landowner. Our family is in the proposed zoning 20 district and I just wanted to read what I sent in 21 earlier this last month to the Commissioners. 22 So, Dear Commissioners, this letter is to 23 continue my support for the citizens-initiated 24

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zone in the southern part of the county of

Stillwater County. In the public interest and convenience of the county and as a rancher in the proposed zone, I welcome additional support using tighter rules surrounding the extraction of oil and gas in the region.

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I'm a lifelong resident of this county.

I was even born in the old hospital in Columbus.

I went to Fishtail and Absarokee schools. I have traveled and I have always returned. I feel it is important to pass down this wonderful area to my children, as it was passed down to me, especially our clean air and pristine waters.

As a rancher, I -- my family relies greatly on clean water for livestock, irrigation, and recreation. If water tables and streams are contaminated, our livelihood is threatened. We need to do all we can to stop water and land being soured by irresponsible extraction practices.

This CIZ can help. We are not opposed to oil and gas coming in, but when they do, we just want more formally established rules with teeth to make sure responsible practices are used.

Guidelines for responsible use should include bonding, responsible wastewater handling, coordinated site development with landowners,

wells and pump stations located away from homes, 1 and also waste and methane noise mitigation --2 waste, methane, and noise mitigation. 3 We do not want to impede the economic 4 growth, but we do want a clean environment after 5 the extraction companies leave. And they surely 6 7 will, leaving landowners with undue burdens of cleanup and potentially no help with this cleanup. 8 We owe it to our elders to leave the land better 9 than we found it. 10 The mine has a Good Neighbor Agreement 11 12 and they continue to operate and expand and We can have similar results with this 13 employ. zoning request for oil and gas. 14 15 So I ask you, please approve this zoning My family has signed the petitions early 16 request. on, and we believe that, as a community, we all 17 benefit from having a few more guidelines for oil 18 19 and gas. So let's move forward and show --20 (muted). Hello, my name is Rita 21 MS. WESTRUM: I was born in Columbus in the old 22 hospital and raised on our family ranch southwest 23 of Fishtail. 22 years ago I had the good fortune 24

to be able to return to live on the ranch.

landowner and taxpayer in Stillwater County. I am speaking today to ask you for your support in forming the CIZ brought forth by the citizens of southern Stillwater County.

In 1978 my husband and I moved to Sidney, Montana. We were told that housing was next to impossible to find because of renewed oil activity in the area. That was certainly true. As the demand for workers in the oil field grew, people could be found living in campers, in tents, in the city parks, or in unheated garages.

The Williston Basin had experienced oil and gas activity in the 1950s, but as more productive fields were discovered, the reserves in the Williston Basin became less desirable and Sidney experienced its first oil bust. In the late 1970s, because of the political climate, the basin saw its second oil boom. We arrived just in time to see a tight-knit farming community become a hub of activity. Oil rigs, cranes, and roustabout trucks roared through Sidney day and night.

I took a job, first for an oil field supply company and then for a roustabout and servicing company. It was a frenzied time in that 20

little town and I was astonished by the waste and carelessness, the damage to the environment that occurred just because nothing was more important than getting the oil out of the ground.

Sidney and Richland County were not ready for the influx of people and the demand for services. Unfortunately, the impact dollars didn't arrive with the drilling rigs. The local taxpayers were on the hook for everything. All the public schools were bursting at the seams. The hospital was not prepared, especially for the need for trauma specialists, because oil field accidents were numerous and tragic. Social services were not able to keep up with the need for counselors. Partner and child abuse became a real problem.

The police force was massively understaffed and the county roads and bridges took a beating. There was no new money coming into the county to address all of these needs. Housing was always in short supply; that is, until the bust came, which it did, and homeowners found themselves owing more money on their house than they could sell it for.

And, of course, the biggest boom came in

the late 1990s with the advent of fracking. Sadly, the cycle continues and the area is dealing 2 with the aftermath of yet another downturn.

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If there had been proactive measures taken early in the cycle of oil development, many of the problems could have been prevented or mitigated. It's not impossible to think that with advances of technology, exploration in Nye-Bowler Lineament could become attractive, most likely to wildcatters, who are here today and too often gone tomorrow. We need to plan for that.

I urge you to seriously consider the petitions of the landowners in the proposed district. They are asking you for protection for their land, their health, safety, and welfare and their way of life. Thank you.

MS. HAGGERTY: My name is Julia Haggerty. I'm a professional economic geographer. Мγ address is 217 South 6th Avenue, Bozeman, Montana. I have been asked today to share my perspective based on my expertise as a researcher who's been focused on natural resources and community economy for over 20 years. My comments are, that I make today, reinforced by written comments that are available to you in the written record.

Since the shale boom began in the 1 2 mid-2000s, there's been a great deal of academic 3 research about the local effects of shale development. And in my role as co-chair of an 4 5 international network focused on energy impacts, I've had to contribute -- the opportunity to 6 7 contribute to this research and also to learn about most of it. And I want to just share a few 8 9 generalizable points from this work that are 10 applicable in this circumstance. 11 The first is that because we have a 12 really uneven regulatory landscape when it comes to federal and state rules about oil and gas. 13

Local governments play a critical role in mitigating local impacts of shale development.

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And in that context, local governments really have one bite at the apple when it comes to setting the terms on which a local area will host and participate in oil and gas development, and that opportunity is before development starts. So your county is incredibly fortunate to have a group of citizens who are willing to take leadership to prepare their community for the potential oil and gas impacts.

And these impacts are things you've

1 already heard mentioned. Residents in nonurban settings truly do experience oil and gas 2 development as an explicit trade-off between 3 4 economic opportunity and quality of life. 5 The research also suggests and documents well that because of the boom/bust economy in oil 6 7 and gas, when oil and gas comes -- and it's often hard to predict exactly when that will be -- its 8 9 pace and scale typically overwhelms local 10 government. There are also hard to manage impacts 11 12 that you've heard about. And in our research what we found is when asked to evaluate oil and gas 13 development, in retrospect, local government 14 15 representatives often wish they had taken a more proactive role to anticipate impacts in the oil 16 17 and gas industry and find ways to mitigate them. So for all these reasons, using available 18 tools, such as but not limited to zoning, to 19 provide quidelines and a framework to fit oil and 20 gas development to local priorities just makes 21 22 common sense. Thank you. MR. PAT WILSON: I am Robert Pat Wilson. 23 My wife, Laurie, and I were born and raised in 24 Eastern Montana. 25 Until we retired in 2017, we

operated our family cattle ranch near Bainville in 1 the heart of the Montana Bakken. We had a 2 front-row seat to the oil boom that began for us 3 Based on our experience, we would advise 4 in 2009. residents of Stillwater County to avoid oil 5 development. If that's not possible, we would 6 encourage you to consider careful, reasonable, but 7 stringent regulation before you open Pandora's 8 9 box. Now, we owned some of the ranch minerals; 10 and therefore, we did make some money from oil. 11 12 But no amount of money is worth the environmental 13 and health risks that accompanied the Bakken. Here are a few: Dust and garbage. Examples: 14 15 Thousands of vehicles on gravel roads. A Chevy Lumina was junked in our pasture. Milk jugs full 16 of truckers' urine. Our grandkids spotted blue 17 shop towels, each covered with piles of human 18 19 feces. Water contamination and destruction. Fracking uses from 3 to 10 million 20 gallons of freshwater per well. Once this water 21 mingles with saltwater below ground, it is toxic 22 23 and must be disposed of by transporting it to

During transport, leaks and

disposal wells, where it's pumped thousands of

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feet underground.

spills often occur, ranging from a few gallons to millions of gallons. These kill everything they touch and render freshwater undrinkable. This poison has leaked into both the Missouri and Yellowstone rivers. So far the leaks have been caught before seriously damaging these rivers. But what happens when they're not?

Flaring and venting. To us, this was the most serious risk posed because it was both life-threatening and life-changing. Laurie always had a touch of asthma, but as our area filled with wells, it increased in severity to the point where she once lost consciousness and wound up in the ER. On a week's trip to New Mexico, we noticed a dramatic improvement. In Montana she used her inhaler two to three times a day. There she did not use it once. Therefore, we made the wrenching decision to leave home and family and retire there.

We also learned a great deal about flaring and venting in the Bakken. Not only did a single field increase the world's greenhouse gases by 2 percent, but it also releases volatile organic compounds, including the very dangerous E-Tecs mix, which is not only a known carcinogen,

but also causes severe respiratory problems. 1 For these and other reasons, murders, 2 meth, human trafficking, I implore you to think 3 twice about encouraging oil development. 4 submitted written comments and reference 5 citations. Thanks. 6 7 CHAIRMAN CRAGO: Is Kim Wilson on? MR. THOMAS: No. 8 9 MR. SANGMEISTER: I'm Charles I'm a Stillwater County full-time 10 Sangmeister. 11 resident --I cannot hear him. 12 THE REPORTER: I'm Charles 13 MR. SANGMEISTER: Sangmeister. I'm a Stillwater County full-time 14 resident and landowner living within the proposed 15 16 zone and I signed the petition. I am committed to serving my communities. I am a member of the 17 Stillwater Protective Association and the Good 18 19 Neighbor Agreement Task Force. I advocate for the Chamber of Commerce, Beartooth Electric, 20 Stillwater Valley Watershed Council, East Rosebud, 21 22 SSMC, United Steel Workers Local 11-001, Beartooth 23 Front Coalition, Stillwater County, as well as 24 other entities. During my 14 years in the Good Neighbor 25 27 Agreement Task Force, I have worked with the Sibanye-Stillwater Mining Company to implement the GNA's legally binding objective to minimize any potential adverse impacts caused by mining operations on the local communities, economies, and environment.

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For 20 years the Good Neighbor Agreement's water, land, air, and environmental standards have exceeded those required by the state and federal government. It is recognized around the world as being the gold standard model for communities and the industry to work together. A recent comment in the Guardian newspaper asked, Can a mining corporation ever truly be a good neighbor? The mine's legal, environmental, and government VP, Heather McDowell, answered, We believe the GNA feedback and the collaborative effort -- approach to addressing issues allows us to really get things right from an environmental and community standpoint.

And in a recent Mining Review

publication, the mine's CEO, Neal Froneman,

affirmed, The Good Neighbor Agreement is a

world-leading model for harmonious co-existence

between mining operations and the communities in

which they operate, realizing substantial mutual benefit without litigation or conflict.

As these quotes demonstrate, the mine's leadership fully embraces the GNA as an enabler and a win-win as the mine continues to increase production, pay taxes, and provide good-paying union jobs with plans to do so well into the future.

In 2015, when asked to support the petition, then president and CEO, Mick McMullen, personally wrote me, stating, We believe that those persons actually living and residing in the proposed district should determine if oil and gas zoning requirements are desired and necessary in concert with elected county officials. In essence, the petition was of no consequences to the mine, it was up to the community and the county.

The mine and its employees have a stake in our communities where they live, work, and shop, as opposed to unidentified wildcatters who will be here today and gone tomorrow. With the oil and gas industry having multiple players, it is not feasible to have a GNA that ensures protections, but we can have a zoning district

with land use regulations.

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Commissioners, I unequivocally ask that you create a zoning district in the public interest and convenience for responsible land use. Thank you very much.

MR. WILLIAMS: My name is Burt Williams.

I live on my family ranch within the proposed citizens-initiated zone, or CIZ, which is intended to assure the protection of public and private property and promote the public welfare, which I think is the very essence of public interest.

I have been an active member of the citizens group advocating for a CIZ since 2013. One of my roles was to lead the effort to define the boundaries of the proposed zoning initiative. For years we have recognized there is the potential for oil and gas development along the In fact, my uncle leased our Beartooth Front. ranch for oil and gas development in the 1960s and Early wells were not very successful and 1970s. over the years it became accepted that in order to develop oil and gas in this area, it would require horizontal drilling and hydraulic fracturing or fracking, resulting in much more intensive methods with consequent larger impacts.

In 2013, Energy Corporation of America announced they would use fracking to develop energy in our region and our first drill pad appeared at Dean within weeks. Fracking involves heavy truck traffic hauling many truckloads of sand, chemical, and water to drill pads. It also involved the injection of chemicals into the targeted rock formations.

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We are concerned about the possible damage to our surprising scarcity of native water along the Beartooth Front and to the largely rural road system, as well as other impacts, like the potential for significant change in the rural and scenic setting in the area.

While that early well pad did not see well construction, the quickness with which it appeared just emphasized that a CIZ would be critical in advance of any renewed oil and gas activity; and therefore, in the public interest to be prepared for any such development.

We found scientific data that supported developing a proposed CIZ in our area along the Beartooth Front based on the Nye-Bowler Lineament. It is a geological structure with active oil and gas development which has been mapped and

described in the Bureau of Land Management's most 1 recent land use planning document. I reference 2 that document here and have provided additional 3 documentation in my written comments. 4 We use the Nye-Bowler Lineament to define 5 the core of the proposed CIZ. We then identified 6 7 all landowners with surface lands that intersect or are within the Nye-Bowler Lineament. This 8 resulted in an area along the Beartooth Front of 9 about 84,000 acres that we propose for zoning and 10 have mapped and filed in Stillwater County. 11 12 If zoned, landowners would benefit by their lands being subject to reasonable protection 13 of water, air, soils, and preservation of the 14 15 rural and scenic character of the area, and the public by protection of the infrastructure of 16 roads, bridges, and public facilities. 17 We urge Stillwater County to take the 18 19 necessary local actions to establish this protective but reasonable zone. Thanks. 20 Hello. This is Kevin MR. CHANDLER: 21 As a rancher near Absarokee, I 22 Chandler. 23 understand the importance of water and that it's

could not function without this water from the

Our ranch

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our most important natural resource.

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West Rosebud and the water we have from Horse Creek and our springs.

This became very apparent to me -- and I'm also a hydrogeologist -- in June of 2011 when we had basically an 18-month, low elevation, short-term drought. Springs and wells in our area were going dry and our Horse Creek dried up for the first time in recorded history. This made me, as a hydrogeologist, wonder what was going on.

And through further study, it's become apparent to me that the same geologic structures that, due to the Beartooth uplift that created trapment for our hydrocarbons, allowing for oil and gas in economic deposits, also blocks water from the mountains to feed into the bedrock aquifers.

Now, there's plenty of water that moves down from the mountains down the streams, and that what are called the alluvial aquifers. The alluvial aquifers only underlie about 6 percent of Stillwater County, but that's where most of the wells are. The other 94 percent of the aquifers in the area that is used as stock water, in most cases, but also domestic wells, is dependent on low elevation recharge.

Now, why is this important? This is 1 important because our freshwater comes either from 2 the river, where most of the wells, the river 3 4 alluvium, or from the bedrock sources. That two 5 different sources, both of them are fragile and 6 responsive to any potential contamination. 7 Now, I believe that it's in the County's 8 best interest to do anything it can to protect 9 these groundwater resources or surface water 10 resources which we all rely on. Agriculture and 11 recreation and households and people wanting to 12 live here are the sustainable, economic tax base in our county. And therefore, I support this 13 petition in allowing the County to make the 14 15 decision on implementing realistic rules about 16 protecting our water resources. Thank you. 17 MR. HOYEM: Good morning. My name is I had the privilege of serving as a 18 Dennis Hoyem. 19 Stillwater County Commissioner from 2005 through My wife and I now live in Boise, Idaho, 20 21 having moved there two years ago to be closer to 22 But we were taxpayers and residents of 23 Stillwater County for the 20 years immediately prior to that, and my family signed the petition. 24 Our family continues to own and pay taxes $_{34}$ 25

on that same small cattle ranch. 1 I remain a strong supporter of this citizen-initiated zone 2 and believe its creation is best for the public 3 health, safety, and welfare of Stillwater County. 4 Shortly after being elected, I took the 5 oath of office, when I was moved by the ceremony 6 7 and the words committing me to supporting the Constitution of the United States and the 8 Constitution of the State of Montana. 9 The Montana Constitution has language requiring state- and 10 county-elected officials to always protect our 11 most basic rights, like public health, safety, and 12 welfare of those we are elected to serve. 13 Throughout my term as Commissioner, we 14 were exposed to many drafts of legislation 15 16 proposed by Montana Legislature. Most drafts already had language providing protections, the 17 right for everybody affected by legislation. 18 Also, when departments and agencies in Montana 19 government provided comments on proposed 20 21 legislation, they would ensure that such 22 legislation would not in any way diminish or threaten those rights. 23 I learned early, too, how important a 24 Commissioner's legacy is, not only to themselves, 25 35

but to everyone they served. It was clear that a 1 legacy is not something you can force, rather it 2 3 starts to develop automatically from your first day in office until the last, and it usually 4 5 includes things that are very noble and things that are not. 6 7 I learned that a great way to form that legacy is to ensure basic constitutional rights of 8 9 things like public, health, safety, and welfare. Stillwater County Commissioners, a simplified way 10 of saying that is, Your job is what you do, but 11 your legacy is who you are. Thank you. 12 MS. LANA SANGMEISTER: My name is Lana 13 Sangmeister and I am a full-time resident and 14 landowner living within the proposed zoning 15 16 district and I signed the petition. I understand that many residents are worried about zoning and 17 that any land use regulations the County might 18 create would put unwanted tax burdens upon them. 19 These are reasonable concerns and ones that we 20 21 share. Since the beginning, we have advocated 22 for the creation of a district for the sole 23

purpose of regulating only land use for oil and

gas activity and only within a defined district.

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As you've heard earlier, this district was defined based on known oil and gas deposits. Given this singular focus and only within this district, these regulations would not apply anywhere else in the county. Otherwise, folks need to read the Part 1 zoning statute. There would be no zoning creep beyond this district and no regulations that would be applicable to anything but land use associated with oil and gas.

Since the beginning, we have advocated for placing costs for this district upon the cost drivers. The County already operates this way. Think of all the permitting and fees that are required by the County on a regular basis. Fee examples pushed to end-users range from \$10 to over thousands of dollars, such as: sanitation and septic permits, approach fees, minor and major subdivision fees, variance fees, wind, weed, fire department fees, et cetera.

When the County was dealing with the wind industry, the County noted several fees in the newspaper; one was an impact agreement fee. This was specifically to protect county infrastructure. We're asking for the same thing in our petition. We taxpayers should not be paying for

infrastructure wear and tear attributable to oil companies. For wind, it was reported the wind company was responsible for paying one and a quarter million to the County for infrastructure.

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Also noteworthy: The County agreed that for the first five years, the wind farm would be taxed at 25 percent of its taxable value. This demonstrates that the County knows how to work with companies to ensure jobs and to make sure industry pays its way.

Finally, there are those who say that a new government entity would have to be created to oversee a zoning district. But general administration can be done by whoever has that responsibility for administering the Part 2 zone the County has already enacted or envisioned in its proposed development regulations.

This district can be created without additional costs to the County and administered via special use permits and other fees. The County has the knowledge and the framework to ensure we taxpayers are not picking up the costs of oil and gas companies doing business here. In the public interest and convenience, I emphatically ask for the creation of reasonable

land use regulations for oil and gas development. 1 Thank you. 2 My name is Bill Muldoon and 3 MR. MULDOON: I'm a landowner in the proposed zoning district 4 and I signed the petition. I support this 5 petition based on my 34 years of experience 6 working with ConocoPhillips as an oil and gas 7 professional from 1980 through 2014. I have a 8 9 bachelor's and master's degree in geology. I've worked in many different locations 10 in the U.S. and I've worked across the different 11 business functions in exploration, refining, and 12 I worked as a petroleum geologist and 13 corporate. environmental scientist and an environmental 14 liability manager. I have personally managed tens 15 16 of millions of dollars allocated to clean up refineries, terminals, Superfund sites, production 17 18 facilities, and emergency incidents. I had a great career and the oil business 19 20 is near and dear to my heart, but we have to be 21 honest and recognize that there are occasionally unwanted costs associated with the activities. 22 Sometimes communities are disrupted, roads are 23

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damaged, traffic increases, and there are unwanted

releases of wastewater, saltwater, and air

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pollutants.

Accidents happen. Pipes break, tanks and waste pits leak, well casings fail, tanker trucks go off the road, groundwater wells get contaminated, rivers catch the oil, fish die, and hay fields are no longer productive.

Simply recall the 2011 pipeline rupture in Yellowstone River in Laurel and the more recent 2015 pipeline rupture in the Yellowstone near Glendive. This is what sometimes happens.

My last assignment was in Alaska where I was Director of Permits and Sciences. There and in other locations around the country, we had emphasis on robust baseline testing, working closely with the affected communities, addressing their needs, and ensuring that we had a sustainable operation.

We need to take the same approach here in Stillwater County. I've owned property in Stillwater County since 2005 and believe it is one of the best places to live in the United States for many reasons. The unspoiled natural beauty of the Beartooth Front, unique rural ranching and agricultural nature of Stillwater County, and the abundance of unmatched recreational activities

make this area extremely desirable.

Reasonable requirements that go above and beyond the current regulations for future oil and gas development should be put in place to ensure maximum protection of this special area. With additional reasonable requirements to be defined in the proposed zoning district, oil and gas development can still occur and the County can still benefit from the tax revenue. These additional requirements will guarantee minimal impact from this activity on the area, the environment, and its current and future residents.

Please create a zoning district with enhanced reasonable regulations for future oil and gas development that will benefit everybody in Stillwater County, including those living within the district. This action is definitely in the public interest. Thank you.

MR. HINMON: Hello. My name is Peter
Hinmon. I'm the co-director of the Tippet Rise
Art Center, which is one of the largest landowners
within the proposed zoning district. We signed
the petition in favor of creating a
citizen-initiated zoning district, and we strongly
support the creation of that district,

Commissioners.

The reasons for our support is, number one, to give landowners and community members a shared voice on how we steward our shared environment and our community. I think that's the number one reason why we are behind this, is to make sure that the owners of the land have a way to create their shared environment.

And second to that is to protect and limit damage to the quality of land, water, views that are the potential outcomes of unregulated oil and gas extraction. So again, putting in place a zoning district that can help manage those regulations is in the best interest of the community.

And lastly, to have a say -- for the community to have a say in shaping and continuing the community fabric, the amazing community that is here in Stillwater County today. The legacy, as everyone knows, is beautiful and meaningful and very, very powerful. And we would like to support our neighbors and the community members in giving them a voice to continue to preserve that legacy and preserve the environment and preserve all of the economic impacts that can come out of this,

that can result from these kinds of decisions.

So we urge you, Commissioners, to support the citizen-initiated zoning district today.

Thank you very much.

MS. GRIFFIN: Hi, my name is Deb Griffin. I have owned property in the proposed zone for 20 years and I did sign the petition. Today over 17 and a half million people live in homes that are less than a mile away from an active oil well. The footprint of wells continues to expand and there can be multiple wellheads on a single pad producing noise, flaring, and a continuous stream of traffic.

In Montana this can occur next to any structure: church, home, school, ranch, because while every other oil-producing state in the west has laws requiring a minimum distance between the wellhead and an occupied dwelling or a body of water, Montana has none.

When you go home this afternoon, try to picture what it would be like to pass eight wellheads as you drive up to your house, in your yard making noise. You have to pull over while trucks try to leave the property. And Montana continues to make it clear that they have no

intention of setting reasonable protections for their landowners with regard to oil and gas drilling.

One does not have to oppose drilling to not want drilling in their front yard. One does not have to oppose oil and gas drilling to not want it in their children's schoolyard or their church. Representatives of the oil industry say that the reason Montana has no required setbacks is because any landowner can protest a well permit for any reason, yet almost nobody ever does this and they don't keep public records of whether they were successful or not. A protest is not the same as a mandated distance.

Our opponents would have you believe that we object to all drilling. That is not true. In fact, they said that we object to mining as well, but that's not true either. The zone we are requesting lies in the valley with the Stillwater Mine. This community has a 25-year history of working with the mine. We abide by a Good Neighbor Agreement that is similar to that of setback laws, in that it strives to protect the rural nature of the landowners who live there by creating legally binding rules that still allows

the Stillwater Mine to do its work.

The citizen-initiated zone is not an effort to ban economic growth, impede landowners' use, as has been wrongly claimed, and certainly does not limit the noise of chainsaws or four-wheelers. The intention is to protect the area and to protect the current economic growth, growth that brings thousands of people to the southern part of the county each month.

If you believe, as the oil and gas industry tell you, that the current laws and regulations already protect the landowners in this unique area, they do not. Please, please study this issue. They do not protect this zone, nor do they protect your property.

It is one thing to make decisions based on good facts, but the existing regulations clearly do not protect the landowners of Montana from having oil wells drilled in their front yard. This zone could correct that while not affecting health of economic growth, the individual rights of the ranchers. I urge you to make a decision that upholds the mandate -- (muted).

MR. WOOD: Good morning, Commissioners.

My name is Van Wood. I'm a full-time resident of

Nye and my property is within the proposed zone.

I signed the petition to create the CIZ. I am the president of the Stillwater Protection

Association. My comments today are personal and do not represent any organization.

I worked 33 years in the petroleum industry, including seven years in the exploration and production division of Hess Oil. During one of my assignments in the early 1980s, I owned a house in West Texas that was near an operating oil well. I can assure you that you do not want an oil well or an injection well located any nearer than a thousand feet from your home, as there is the potential for emissions of harmful hydrocarbons and poisonous gases, such as hydrogen sulfide.

In the June 1975 issue of the Texas

Monthly magazine, there is an article entitled,

The Deadly Smell of Success. This article

describes a West Texas family of seven, plus a

guest, that were found dead in their front yard.

They died trying to escape a hydrogen sulfide

cloud of gas that was emanating from a leaking

injection well. That well was located 450 feet

from their home. Their next-door neighbor, a

family of four, barely escaped the deadly cloud. 1 Their home was 600 feet from the well. 2 Montana has not regulated the minimal 3 distance for an oil well to an unoccupied 4 5 structure referred as a setback. Montana does require that a permittee must notify a surface 6 owner if a proposed well is within 1,325 feet of 7 the occupied structure. The surface owner can 8 9 file protests to the Board of Oil & Gas Conservation. 10 The individual surface owner is at great 11 disadvantage when challenging a corporation. 12 protest arranges a poor substitute for setback 13 zoning regulation. Stillwater County needs 14 regulations to protect homeowners from petroleum 15 development. Therefore, establishment of a CIZ is 16 in the best interest of Stillwater County. Thank 17 18 you. Members of the Stillwater 19 MR. HAND: County Commissioners, for the record, my name is 20 I am the signatory to the petition 21 Bill Hand. calling for the establishment of a 22 citizens-initiated zoning district. 23 During the past year, I lived in 24

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Stillwater County, Montana, and paid taxes on

property owned within the boundaries of the proposed zone. My family are long-time Montana My grandfather homesteaded property in residents. Southeastern Montana and eventually, on a very large ranch, raised sheep and cattle. Both he and my uncle allowed drilling for oil and coalbed methane gas on the ranch. Lands around many of those wells today are scarred and useless, being poisoned by alkaline and methane-laced waters allowed to flow freely from wells drilled by When on horseback and when you ride wildcatters. up to some of those old wells, you're greeted by acres of crusty, barren soil.

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For the past 12 years, I had the privilege of living in the upper environs of the Stillwater River Valley, an area of immense beauty fed by pristine mountain waters, flushed by clean air flowing off of Montana's highest mountains.

I shudder at the prospect that an unscrupulous, unregulated, and underfunded oil and gas drilling wildcatter could irreparably harm this valley. I quake at remembering those abandoned wellheads on the ranch juxtaposed onto some of the most beautiful scenery in Montana and perhaps the whole United States.

I am in favor of the Beartooth 1 2 Front-initiated zone district because I want my 3 friends and neighbors to be able to continue living the good life they lead in this valley. 4 5 I am grateful to the Sibanye-Stillwater 6 Mine for the good jobs they provide, as well as 7 the Good Neighbor Agreement. I want ranchers in the valley to have 8 9 clean water and air so that they can continue 10 doing their good work. I do not oppose the 11 development of oil and gas in the valley, but I 12 want it to be done carefully and with foresight so that this beautiful valley does not become an area 13 like the Bakken, which has paid a high price for 14 15 short-sighted and greedy oil and gas development. 16 Please do approve and sanction the next steps for the creation of a citizens-initiated 17 18 zoning district that will protect the beauty of 19 the Upper Stillwater River Valley and ensure that future generations will be able to enjoy what we 20 21 are so privileged to have today. Thank you. CHAIRMAN CRAGO: For those on Zoom, we've 22 23 got on this list you guys have given to us, there 24 are two people in person that I quess are supposed

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to speak here next. Let's do those two people,

and then as soon as that's over, we'll give the court reporter a quick break to stretch and get up. So I guess Noel and then Tom, if you would come to the mic area, identify yourself. And then when Tom is done, we will take a short recess for the court reporter.

MR. KEOGH: Thank you. Thank you,
Commissioners, for hosting this meeting. My name
is Noel Keogh, landowner in the Stillwater Valley
right below Stillwater Mine. I am in support of
this citizen petition zoning. Our family has
signed our property up to be in the district. I
believe that the creation of the district to
provide reasonable protection regarding oil and
gas activity would be in the public interest or
convenience.

Other than my time at MSU, I spent my entire life at Nye, a truly beautiful place. As I said, we've been on the family cattle ranch since the early 1940s.

In the environmental impact statements for Stillwater Mine, the mine promised to do a lot of things to protect the Stillwater Valley in the beginning. As we proceeded through time and more and more impact statements and permits were

required, some of these just appeared to kind of get forgotten. You know, some of the promises that were initially made to us were not in those subsequent statements. And in an effort to keep the valley in the condition it is today, we started the process of the Good Neighbor Agreement and the Stillwater Protective Association, and I was pretty proud to be selected as one of the members that negotiated that. I think we came up with something really unique. And the mine is still there, it's still operating. You know, everybody's opinion was, Well, you're trying to shut it down. You know, we need the economic I don't think the Good Neighbor development. Agreement has done much to dampen the economic development of Stillwater Mine. The evidence is not there. Something as simple as that -- I shouldn't say simple, it was very complicated. But something like the GNA is not possible for oil and gas development because you've got different

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shouldn't say simple, it was very complicated.

But something like the GNA is not possible for oil and gas development because you've got different entities, different people you're working with.

You're not working with one company who has a long-term commitment. You're working with multiple companies who have really a short-term

activity in the area.

And so I really think that the big issue here is surface estate owners are minor to mineral rights owners. And a lot of our property, we do not own any or all of the mineral rights to them, so we have very little to say about what's going on.

The State does have some rules and standards. We all know if we go to Jordan and get a glass of drinking water, that that still meets the State standard. We can do better. Thank you.

MR. WOLFE: My name is Tom Wolfe. I'm third-generation Montanan and I live in Nye. And I appreciate this chance to throw in my two cents.

I was here at the last meeting, or the planning commission meeting. And mulling it over for days afterward, I was struck by two of the speakers. And one of them came down, he's a wildcatter that came down from the Bakken, and he informed us that he had two degrees in geology, very impressive. Everybody was impressed with that. And he told us that how we didn't need to worry about making too many laws because with modern methods and whatnot, he was able to leave the communities that he served in a pristine

condition and the people that he went to drill for were able to sing and dance their way to the bank to put the money in.

I was also more impressed by Mr. Muldoon, who I was pleased to listen to again today, who has also spent his career in the oil and gas business. He, too, has plenty of degrees, and he told us all about how he has spent his career cleaning up the messes and the accidents that inevitably happen. Those and other stories are what give me concern.

And I would hope that even though in Montana we've had oil extraction for since before we were a state, and nobody here is even beginning to suggest that we don't extract the resources here, but what we are hoping for is responsible extraction.

I would think this would be a good time for you to consider your legacies as our elected Commissioners, to choose how you want to be remembered. You can either roll over and get steamrolled by the whims and wins of the industry, or you can take the higher moral ground and grab the bull by the horns and create a positive and responsible course of action for this extraction.

1 I would suggest that the second choice is 2 the right choice for you. And I would hope that 3 you consider the fact that, as like the community 4 you serve, the right choice matters. Good luck and thanks. 5 We will now take a short 6 MS. FISHER: 7 recess for our court recorder. Thank you. 8 CHAIRMAN CRAGO: Okay. I have on my 9 clock here 11:19. So let's give her ten minutes 10 to stretch and let's be ready to come back at 11 11:30. (Whereupon, a recess was taken.) 12 CHAIRMAN CRAGO: All right. 13 Thank you. 14 It's now 11:30. Again, I'm going to be restarting 15 the recorder. All right. So welcome back. Thank you for the short recess. Mr. Wilson got skipped 1.6 over a couple different times here, so we're going 17 18 to cue it up for Mr. Wilson first. Kathleen Ralph, be ready. We'll move right in to you. 19 20 Kim, go ahead and start speaking, please. Thank you, Mark. 21 MR. WILSON: 22 record, I'm Kim Wilson. I'm a lawyer in Helena. 23 My address is P.O. Box 557 in Helena. represented the Plaintiffs in the Beartooth Front 24 25 Coalition versus Stillwater County case, and I'm 54 hear representing them today. In that case we challenged the Commissioners' determination that in order to gather signatures for the citizen-initiated zoning petitions, one had to include signatures of mineral interest holders. The Court recently agreed with us and remanded the matter back to you, the Commissioners.

So procedurally where we are is that you as the Commissioners need to make an additional determination of whether or not to create a zoning district based on the petition of the landowners.

Under the statute, if you do decide to adopt the zone, then you'll be empowered, or you will be able to empower the planning and zoning commission to adapt a development pattern for the zone and to propose rules. And if rules are proposed by the planning and zoning commission, then you as the Commissioners get to adapt or reject the proposed rules.

In other words, today the issue is not what any regulation may ultimately look like, which is something you'll have the final say in, but rather the issue is whether or not to create the zone. And under the statute, that decision is based on whether the proposed zone is in the

public interest or convenience.

I have researched this issue and I have litigated this issue before. For almost a century, courts, starting with the U.S. Supreme Court, have recognized that all zoning must have a substantial bearing on public health, safety, or welfare and general welfare. That's the Montana Supreme Court standard as well. Public interest or convenience is merely a shorthand for public health, safety, and welfare.

Indeed, under the Part 1 zoning scheme, any development pattern or regulations recommended by the planning and zoning commission and adopted by you would have to be in the public health, safety, and welfare.

Here, we believe the adoption of the district would be in the public interest. The testimony you are already hearing today addresses this. For instance, it addresses the fact that the zoning is in compliance with the policies. It addresses the fact that the zoning district is protective of public health; for instance, the clean water and air of the county. It's protective of the public safety and welfare in that, for instance, it will allow the County to

address issues related to roads and traffic and 1 2 the infrastructure. In summary, the evidence before you will 3 show that the adoption of Beartooth Front zone 4 5 will further the public interest, and I urge you Thank you and thank you for 6 to adopt the zone. 7 your patience. And I apologize for the technical difficulties. 8 9 MS. RALPH: Thank you. I am Kathleen Ralph, a resident of Columbus. 10 I do not own 11 property within the proposed Beartooth citizen-initiated zoning district, but I have had 12 some experience with mineral exploration on my 13 14 Shane Ridge property, and I am all too aware of how few rights surface landowners have. 15 16 I urge the Stillwater County Commissioners to approve this zoning request. 17 18 This process has been long delayed due to the misguided efforts of previous County 19 Commissioners. 20 State law allows property owners to guide 21 future development in their area with neighbors 22 working together to determine their future. 23 24 counties in Montana have permitted such citizen-initiated zoning districts. Park County 25

alone has five, one going back to 1997.

The proposed Beartooth CIZ will regulate future resource development to protect the quality of the environment and of life. For seven long years, these citizens have tried to secure their right to self-determination. It is time to grant their request.

While I am not directly concerned or impacted by this request, I am personally acquainted with the lack of rights surface landowners have when it comes to oil and gas development.

Years ago when seismic testing was planned on our subdivision, we quickly learned how vulnerable we were to mineral exploration and development. We were fortunate that no significant minerals were found and that no property damage, such as cracked cisterns or foundations, resulted from the testing, but this experience left us shaken with our lack of control over what happens on our land.

Researching and enforcing your limited rights and then taking legal action to protect them is expensive, timely, and beyond the means of many small landowners. I can well appreciate the

concern of those who live along the Beartooth Front, and I support their attempt to protect their quality of life and ours by regulating development.

Please note the emphasis on regulating, not preventing. The petitioners do not propose to stop future development, what can be done on their property to protect the quality of life, air, water, and land. This is a wholly reasonable request and has not been undertaken lightly. The petitioners have painstakingly researched existing regulations, such as those of the oil and gas board. They have found them lacking and have asked you to create a citizen-initiated zoning district.

This is precisely the situation suited to such a district, and I urge you to approve this request. Thank you.

MR. HILTEN: I live west of Columbus here since 1990. I bought property here and built a house. I'm a retired airline pilot and flew all over the world. And you guys, whether you realize it or not, are living on a jewel. It's the most beautiful place I've ever seen. My wife and I average 16 backcountry horse trips every year back 59

in the Beartooths. And I lost count this last summer at 25 the number of times we went down the Stillwater in a kayak. And my concern, obviously, is having something ruin this. And I would like to see some rules structure, like the mine has, to protect this area like they've done so well over the years.

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My principal concern is the transport of Past the well, you have to have either a oil. pipeline, trucks or trains to move this to wherever you're going to take it. And the evidence in the past has been really bad to the oil industry. You can see the pipeline that broke If you want see what the under the Yellowstone. oil industry leaves, all you got to do is go over to Belfry, take the second road to the right, drive ten miles and you will see a spiderweb of pipelines left on the ground since the 1940s and 1950s that were never cleaned up and it is still a mess and it's a barren area. It will shock you And I don't want to see that to how bad it is. happen here. And the only way to prevent that is to have guidelines that are put in force ahead of time to anticipate what might happen with an unscrupulous bunch of people.

The transport is dangerous to every one 1 We've already had a train wreck in 2 It was coal. If it would have been 3 Columbus. oil, to transport oil, you have to dilute it with 4 solvents, which makes it explosive. As the people 5 in Lac-Megantic up in Quebec found out, when the 6 7 train blew up there, it killed 47 people. There have been 12 wrecks in the last ten 8 9 years, two of them have been close to us: It's dangerous. 10 Columbus and one at Bozeman Pass. It's dirty. It's inevitable there are going to be 11 accidents, but there could be a lot less and it 12 could be a lot cleaner if we have rules 13 established by this zone. 14 15 So I ask you, please, to enact this zone to help protect this property for the people who 16 come after it. It's very important and it's very 17 beautiful. Thank you very much. 18 19 MS. BOYD: Thank you. I'm Arleen Boyd. I live with my husband, Frank, on a small road 20 connecting residential properties just off Highway 21 419 adjacent to the proposed zone. And I'm sorry 22 23 I'm not seeing here. It is hard for many county residents to 24 25 understand that someone has the right to come on 61

to, drill through, and set up operations on the 1 That is the law. land they own and live on. And 2 we're Stillwater County, so let's just do it 3 Responsible mineral owners can develop 4 their resource while we protect the value of the 5 property we own and preserve the surface 6 7 activities that support us. The citizens proposal for a zone with 8 standards for oil and gas development can serve 9 the best interests of our community by protecting 10 those of us who live and work on the surface while 11 we support the legal rights of mineral owners to 12 use the surface to extract oil and gas. 13 We need to protect our health, safety, 14 and ongoing surface activity while extraction 15 If we protect our water, air, and soil 16 17 quality, we can preserve our property values. We must sustain land use and the rural 18 character of our area that supports agriculture, 19 recreation, hospitality, mining, business 20 consulting and residential uses. When oil and gas 21 development is added to this mix, it should join, 22 not replace the others. 23 Our land and homes carry property values 24

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that for many of us represent our primary

financial resource. We know about oil and gas development contracts that define standards for operations on the surface owner property. As the Montana Board of Oil and Gas Conservation officials report, these agreements intend to protect surface owners and enable successful resource extraction. Negotiating such an agreement with oil and gas developers is done best by surface owners with the knowledge and resources to hire experienced legal counsel.

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Common standards established for a zone could help craft fair contracts with recognizable provisions to protect surface owners and preserve property values. Public interest.

Finally, this proposal poses no threat to the Sibanye-Stillwater Mine. I was a negotiator of the Good Neighbor Agreement many years ago when mine management agreed on mitigation measures that are far more rigorous than anything you are likely to see in any oil and gas contract. Enforceable requirements set standards to preserve the rural character of the area, protect wildlife, employ defined best practices to prevent air, water, soil, noise and light pollution, and to manage traffic to protect miners and the community.

This proposed zoning action is in the 1 2 public interest. It carries no threat to existing 3 businesses or to potential drilling. Please move forward. 4 5 MS. LEE WILDER: Hi, my name is Lee Wilder. 6 I'm a landowner. I did sign the CIZ 7 petition and strongly support it. I'm here to 8 speak on the subject of water. Water is critical 9 to ranching, farming, residential life, tourism The largest private employer in the 10 and industry. 11 county, Sibanye-Stillwater, relies on a steady water supply. Nearly everyone in the county 12 depends on a private well for water. Our aquifer 13 is our future. 14 The State of Montana has weak regulations 15 16 for water testing. Baseline water testing is not required by law except for injection wells. 17 18 impossible to document damage without baseline 19 testing. The law has no siting restrictions, such 20 as distance from occupied residence, if an oil 21 well is to be hydraulically fracked. Nor is there 22 a presumption of liability against operators when 23 contaminants are found in a nearby water source. 24

In other words, under Montana law, a homeowner has $_{64}$

no control over where an oil well might be located and no recourse if his or her well becomes contaminated. And we know that each well requires millions of gallons of water.

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This is important because a study in one rural Pennsylvania community found that 39 percent of wells showed changes in either water quality or quantity after hydraulic fracking activity began.

We know about documented groundwater contamination in Wyoming and other states, and we've already talked about pipeline spills. There have been documented health studies on food animals that show respiratory and reproductive impacts from proximity to fracking.

But Montana has very specific regulations If a landowner wants to put a for septic systems. septic system on a 20-acre piece of land, the State and County mandate a qualified site examiner be engaged. This means a soil scientist or hydrogeologist or geologist with experience in soil morphology. The testing includes analysis of soil depth to seasonal water, water ground nitrate sensitivity. We know what goes into a septic But companies are not required to system. disclose the chemicals used in fracking. The

risks of one badly installed septic system are 1 2 fairly limited. Yet the State and the County believe that this limited risk is significant 3 4 enough to mandate these detailed procedures for 5 permitting. Why on earth would we not want the same 6 7 level of permitting procedures for wells that 8 could contaminate rivers, aquifers, private wells, ranchlands? This just seems like common sense to 9 me, not regulatory overreach. Please help us keep 10 this environment for generations to come. 11 Thank 12 you. MR. JOYS: Good morning. My name is 13 David Joys. I'm a proud resident of the Treasure 14 15 State, a taxpayer, and property owner in Nye, Stillwater County, within the proposed district. 16 17 I signed the petition for proposing the district 18 and support that proposal. It's important to have local oversight of 19 the oil and gas activity or any future oil and gas 20 21 activity in our neighborhood as it could adversely 2.2 affect the Stillwater Valley and the proposed district in a number of ways. 23 Take water, for example, as Lee just did. 24 All our 66

We all rely on a supply of quality water.

domestic water is well water. The availability of quality ground and surface water affects us and our neighbors in a very local and immediate way. We drink it. We also bathe in it. Our neighboring ranchers and farmers need water. That point has been made. Tourists crave it; it floats their boats. Not to mention, the glee and delight that it provides fishermen.

We know we're lucky to live in the Stillwater Valley. And while we own land on the river, we consider ourselves temporary custodians of the water that runs through it, with the obligation to treat that asset like the treasure that it is.

Along with others who signed the petition, our goal is to leave local water as plentiful and as good as we found it or even better. Protecting our surface and groundwater is a goal we should share. Water above and below ground is the network that connects all of us in the Stillwater Valley. We're all in this together. Living on the Stillwater downstream from the Stillwater-Sibanye Mine, we are keenly aware that clean, plentiful water is a goal we can't achieve on our own.

That's why I firmly believe the proposed district will be in the public interest and We're asking for an ear and a voice convenience. in local oil and gas planning and practices. best way to protect the quality and quantity of our surface and groundwater locally now and for the future is a stewardship task we should share with the oil and gas industry in a meaningful way. The Beartooth Front zoning district is not only reasonable, it's vital. Thank you for the time. MS. ANNE MOSES: Good morning. My name I'm a landowner with my family in is Anne Moses.

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MS. ANNE MOSES: Good morning. My name is Anne Moses. I'm a landowner with my family in the proposed district. I signed and fully support the petition. My focus today is on the extreme vulnerability of roads in the proposed district to oil and gas development be allowed without protections to ensure public health, safety, and welfare of our community.

Anyone who lives, works, or is a landowner in Stillwater County remembers the rock slide on the Stillwater River Road on June 3rd, 2015. This is a dirt and gravel road that requires regular maintenance at the best of times. The rock slide completely closed the road just upstream from Midnight Canyon, forcing all traffic 68

above it to detour through and around Fishtail and 1 2 Absarokee, adding 40 minutes to every round trip. This major disruption lasted three years before 3 the road was open again. It cost millions to 4 repair and remediate. It affected everyone. 5 6 The County hired Great West Engineering 7 for a risk assessment and remediation proposal. Their report underscored the risk inherent in this 8 Basically, even when the rock slide had 9 10 been repaired, it would return to the same level of risk that was already there before. The bottom 11 line, the rock slide was a bad and disruptive 12 13 thing and it could happen again due to natural causes and it could happen along other places 14 along this road that are similar. 15 Now, imagine adding the heavy truck 16 traffic that would come with oil and gas drilling. 17 18 From 400 to 1150 truck trips are required for each well that is drilled. These are not pickup 19 These are big industrial trucks carrying 20 trucks. 21 equipment, materials --Did I just get the one minute? 22 23 MS. FISHER: Yes. MS. ANNE MOSES: Okay. And some of the 24 trucks weigh as much as 40 to 50 tons when fully 25 69

These would rumble and roar over our 1 loaded. vulnerable Stillwater River Road and its bridges, 2 vastly increasing the dangers. 3 Commissioners, you know there's already 4 5 built-in risk here. You have already experienced the huge cost of one major rock slide. Certainly 6 7 it is clear to you that the threat would be much greater, more dangerous, and more costly if 8 9 expanded oil and gas development had free rein. 10 The danger is clear. Don't you want to do 11 whatever you can to mitigate this destructive 12 possibly? Please recognize the threats to the public's interest and welfare and take action. 13 Approve our petition and let's get started 14 15 planning this Beartooth Front zoning. Thank you. Thank you, Commissioners, 16 MR. DRONKERS: 17 for the chance to speak. My name is Pete I'm a landowner and full-time resident Dronkers. 18 19 of the Eastern Beartooth Front. I live off the grid in a remote area surrounded by federal lands 20 who are subject to oil and gas leasing. 21 22 support the citizen-initiated zoning proposal put 23 forth by concerned residents of Stillwater County. Part of my job involves oil and gas field 24 25 work. I'm a level -- certified Level 2 optical 70

gas imaging thermographer, which means I do 1 surveys of air emissions from oil and gas fields 2 nationally and occasionally internationally using 3 a specially tuned infrared camera that can see 4 toxic air emissions, such as benzene, xylene, and 5 toluene, and also methane, which is a global 6 warming gas about 90 times more powerful than 7 carbon dioxide over a 20-year period in the 8 atmosphere. 9 I have visited thousands of oil and gas 10 production and midstream sites of all shapes and 11 sizes and in most geologic settings and the 12 majority of them produce both toxic and 13 climate-warming gases that are clearly visible 14 with my camera. 15 As a result, I have recorded hundreds of 16 videos from virtually all elements of oil and gas 17 drilling, hydraulic fracturing, midstream 18 19 processing and separation, crude and condensate storage, underground injection of toxic 20 wastewater, pipeline compressors, pump stations 21 22 and so on. It is not uncommon for me to see a single 23

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hydraulic fracturing pad produce the equivalent

amount of greenhouse gases as a small town of

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about a thousand people, not to mention the air toxics. Such as the case, for example, with emissions from volatilizing hydrocarbons in large crude oil tank batteries.

My organization works with impacted communities nationally, some of whom are sick and attribute their illness to poor air quality living a few hundred yards from oil and gas flare or emitting liquid tanks.

Others have lost their groundwater supplies from contamination and are now on tanks filled by trucks. Just a few miles from where I live, a gas well blew out causing a portion of Clark to evacuate and the groundwater there was contaminated with gas for several years.

I have personally shot footage of two of the nation's largest gas leaks, the Aliso Canyon blowout in Southern California and the Powhatan Point blowout in Ohio. I have seen too many contaminated sites to count.

Because I have seen all this, I've been watching the quarterly oil and gas lease sale notices to see if any lands are nominated here where I live. I don't want to spend the rest of my life worrying about groundwater contamination

or polluted air, so I want to be in the know as early as possible so I can attempt to mitigate as much risk as possible before development might occur, if it is to occur.

I'm not saying that every place where oil and gas is produced is plagued with these problems. Indeed, there are many examples of well-managed fields, but I've seen enough that I am on high alert regarding new oil and gas production, especially if it's on the same aquifer or within 2500 feet from a house. I would urge precaution everywhere especially where hydraulic fracturing -- (muted).

MR. URBANIAK: Hello. Thank you for the opportunity to speak today. My name is Tim Urbaniak. I live primarily in Billings with my wife, but we are also Stillwater County taxpayers with a house and 32 acres at Stanley Cooley, where I spend kind of a shared residency. We are included to be within the proposed district and have signed and support the proposal. We have had that property for over 20 years now.

As an anthropologist and a historian, I was asked by members of a group of landowners to kind of focus and say some things about the

proposal related to history and archaeology. And, you know, this particular set of thoughts had me pondering really several directions for correlation of these subjects. But I would say that certainly I advocate for the protection of our cultural and historical resources.

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You know, from the plains to the mountains, we have a rich regional history from the first peoples entering the landscape maybe somewhere around 12,000 years ago, you know, through the arrival of the horse, continuing through a time of immigration and change. You know, through the lens of history, we have arrived at this point.

The proposed special zoning district is intended to, quote, Enact reasonable regulation, not intending to stop it, but to make certain that it's done in a way that protects the unique geography, economy, and way of life in the area. And that again includes our historical and cultural resources, many of which remain to be yet discovered.

As part of our history, Montana has certainly participated in oil and gas and mineral extraction of all kinds. The historical abuses to 74

1 the landscape are also well-documented. In light of the historical past practices of the State of 2 Montana, the proposal of this district provides 3 4 for rational review of potential development. 5 is a reasonable and justifiable request. 6 I've hiked the mountains and explored the 7 Beartooth Front for almost 50 years now. While 8 it's still a place of splendor and beauty, the 9 landscape has already given a great deal. Let's 10 have our history turn out that we work together for a reasonable process. Thank you. 11 12 MS. HEYNEMAN: Hello. My name is Susan 13 I am a registered landowner in the proposed zoning district and I signed the 14 15 petition. Dear Commissioners, I have lived in this 16 17 valley for close to 60 years. My late husband, Jack Heyneman, and I raised five boys here. 18 attended public schools in Stillwater County, and 19 my children and grandchildren call this valley 20 21 home. 22 As many people remember, Jack was a 23 leader in negotiating the Good Neighbor Agreement, 24 which has been a successful agreement for shared

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stewardship of the Stillwater River and

surrounding areas between residents and the Stillwater Mine.

One of the Stillwater Mine managers thanked us at one of our summer gatherings of SPA and the mine for saving them millions of dollars in legal funds, which they had budgeted before the agreement.

The agreement caught the attention of the New York Times editorial board and received international accolades due to the ability of legislators to respect -- negotiators to respect one another's viewpoints and to listen to one another.

My family and I believe wholeheartedly in this ethic of listening and mutual respect, and the win/win experience has been sustained for decades now, proving the agreement's success.

I hate to imagine the increased litigation, adversity, and hostility that would ensue if the CIZ is not approved. There will always be a difference of opinion between industry and individuals and between residents in our country. But more than ever, now seems reasonable to work together and listen carefully to do our best for this land we share.

Most of the inhabitants of this valley 1 know that the soil is shallow and the water supply 2 3 is fragile. We depend on the limited amount of resources and we need to be cared -- they need to 4 5 be cared for by all of us. By approving the CIZ, 6 you are leaving the best -- you are acting in the best interests of the land and the many who share 7 And the generations to come are depending on 8 it. 9 us to preserve it. Thank you. Respectfully, 10 Susan Heyneman. And thank you to all the people 11 who testified today, and will be. Thank you. 1.2 MS. LAURIE MOSES: Hello. My name is 13 Laurie Moses. I'm a landowner in the proposed 14 zoning district and I signed the petition. 15 father and mother, George and Lucille Moses,

zoning district and I signed the petition. My father and mother, George and Lucille Moses, purchased a cabin on the Stillwater River 50 years ago and lived there year-round for the next 35

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years.

My three sisters and I spent as much time as we could there while they were still living, and from them we learned a deep appreciation for the magnificent Stillwater Valley. My mom taught us how to identify wild flowers and how to make chokecherry jelly. My dad taught us how to fish and where to find firewood. But more than that,

our parents taught us to love the land and to treat it with respect.

Knowing and loving a place for 50 years causes roots to grow deep. We joined ranchers at brandings and cattle drives. We've held weddings alongside the river. We've been members of Absarokee churches, and we have worked with our neighbors when forest fires threatened.

Our parents have passed away, but now our children and their children, George and Lucille's grandchildren and great grandchildren, have grown roots in the Stillwater Valley. The fabulous, crystal clear Stillwater River that rushes past our living room window feeds these roots. On the Stillwater, we watch Merganser ducks teach their babies how to swim upstream, and we watch eagles dive for fish. And we build dams so that toddlers can play safely, and we fish. There is no body of water anywhere in the world that is more beautiful or more pristine.

Despite promises made, unregulated oil and gas will undoubtedly impact this river.

Horror stories that come out of the Bakken and other places where oil and gas regulations were absent or minimal are nightmares for us. We rely

1 on this clear body of water for so many things. Oil spills pollute rivers and contaminate 2 3 wells, they drive wildlife away, and make it 4 harder for delicate plants to thrive. 5 spill cannot simply be scooped out of the water. 6 Please, County Commissioners, allow the 7 establishment of the Stillwater County Beartooth Front zoning district. It is surely in the public 8 9 interest to do so. It is also the way to ensure that the roots of future generations in my family 10 and those of my friends and neighbors on the river 11 will be allowed to grow strong. 12 Thank you. 13 MS. THOMASOS: My name is Kitty Thomasos, 14 and I'm a landowner in the proposed zoning 15 district and signed the petition. We first drove 16 out Nye Road in 2009 when visiting friends. 17 were living in Atlanta at the time. We looked up 18 and we were headed down Dean Hill about mile 19 marker 15 and thought this can't be a real place. 20 It was just so breathtaking. We fell in love with 21 the peace and beauty and moved out here full time. Now the thought of going back to noise, 22 23 pollution, crowds, and crime seems absolutely 24

about people moving to Atlanta, as well as the influx of tourists, but the bottom line is it brings a lot of tax and business revenue.

Outdoor recreation is a \$7 billion industry in Montana. The word is out that Montana is truly the last best place because of our fresh water, our beautiful mountains to hike, and the clean streams to fish. I don't think people would want to live, move, and vacation in affected areas of Stillwater County if oil and gas practices were untethered, operating with only their best interest in mind.

This is so important and relevant that it is one of the few bipartisan topics. We have seen politicians on both sides of the aisles support bills to protect our rivers and our outdoor way of life. In 2018, when Montana's East Rosebud Creek was added to the Wild and Scenic Rivers Act, it was supported by Tester, Daines, and then Rep Greg Gianforte.

In an announcement just made by Tester, he said, This is the best that Mother Earth has to offer, but if we do nothing, they will disappear. He was referring to our rivers when he introduced the Montana Headwater Legacy Act, which would

designate the Stillwater River and the West Fork within the national forest as wild and scenic rivers in our area.

One of the things that attracted us to Montana is how fiercely loyal and in love with Montana Montana residents are, as evidenced by all the impassioned statements and all the residents that are speaking out today. And this is not the case anywhere else. As residents we can do something to protect what we love about living here. No one will care about preserving the beauty and the clean water like we do.

I spent 35 years working for Fortune 500 companies and understand the engine that is

America and progress. And I am proud to now live in a state where the places and the people are valued at least as much as profits, where we can work in conjunction with neighbors for a common goal of protecting the clean, beautiful land, mountains, and rivers that we are so fortunate to live near.

I don't think any of us wants this beautiful area to become something we did not intend or want it to become. I trust our county leaders to support the best interest of the

residents, as you are tasked to do, and ask that you agree to the proposed zoning district. Thank you.

MS. ABBOTT: Hi. My name is Franny

Abbott. We arrived in the valley 23 years ago and bought a 2200 working cattle ranch in the proposed area. We have a fierce love for the land and the waterways. We've raised four boys on the ranch and have family buried there now. We really feel that we've worked so hard in the area and with other ranchers and other ranchers that have helped us so much that we feel like it's our home.

We support local nonprofits and foundations and volunteer there. We really feel important that -- we would ease the land with Montana Land Alliance. We're nationalists and also ranchers and would like to keep the valley pristine the way that it is. That's it.

MR. JUST: Thank you. My name is Peter

Just. I am not a resident of Stillwater County

and I'm not a landowner either. I'm speaking to

you from Spruce Head, Maine. And I know that up

here in Maine, we aren't usually happy with people

from away who tell us what we should do. So I

want to thank you for giving me the opportunity to 82

speak to you this afternoon.

The reason I have an interest in this and am taking the time to talk to you is that I'm a fisherman, I'm a fly fisherman, and I have traveled on occasion thousands of miles to fish the Rocky Mountain west and I have fished the Stillwater River in Nye and up to Sioux Charley Lake. And I've fished some of the branches of the Upper Stillwater. And I have, in fact, kind of fallen in love with the beauty of that very fragile environment. And I have an interest, therefore, in hoping to see that that beauty, the broad vistas and the clean water and the clean air are preserved.

And I'll mention that when I come, I spend money. Often more than I think I care to. I tell friends, who are also fisherman, of the beauty of the place and the beauty of the rivers. And when I -- and so that there's, I believe, an economic impact in there that you may want to take into consideration as well.

I hope to come back to the Stillwater. I hope to come back to it again and again. And I hope that it is -- that the waters are kept pure and the air is kept clean and the vistas are

undisturbed by, frankly, the ugliness of oil rigs.

I appreciate being given the opportunity to talk
to you today. Thank you very much.

MR. MERRIAM: Good afternoon. My name is Steven Merriam. My wife, Cindy, and I reside full time in Nye, Montana, in a home that we own. We also have noncontiguous land in the district and we signed the petition. We fully support creating a citizens-initiated zoning district to balance our surface rights as taxpaying landowners with any future responsible oil and gas exploration.

The beauty of our landscape, the purity of our streams, lakes, and air, and the agricultural and ranching, as well as a rural residential lifestyle of our communities can be preserved and protected with responsible subsurface development. A citizen-initiated zoning district would be a powerful resource for the County Commissioners. We would be your eyes and ears in achieving oversight protection throughout the district.

There are many concerns related to oil and gas exploration that you should consider. I will limit my comments to water requirements and remediation for the process known as fracking.

1 The first challenge we face, given historical 2 water rights and usage by agricultural and cattle 3 ranch neighbors, is determining whether there is 4 sufficient water supply and reserve to support 5 large-scale fracking. According to the U.S. Geological Survey 6 7 study published by American Geophysical Union, 8 fracking can require up to 9.6 million gallons of water per well and puts farming and drinking 9 resources at risk in arid states. 10 Secondly, with the massive amount of 11 12 wastewater, how will it be stored and treated? 13 The amount of contaminated wastewater being produced from hydraulic fracturing in the 14 15 United States is nearly the same amount of water used to frac the wells in the first place. 16 17 the high level of contaminants these waters contain, how and where will they --18 19 A citizens-initiated zoning district can 20 be a cost-effective partner to the commission for 21 making the best decisions, balancing responsible oil and gas development with preservation of our 22 23 pristine landscape, water, and air. Thank you. 24 MR. JOHNSON: Thank you, Commissioners. I'm a fifth-generation Montanan, 85 25 Appreciate that.

own land in Absarokee. Family homesteaded outside of Belt, Montana. My wife is almost two decades into her service at Sibanye. She works at the smelter right now. And I'm a business owner and I'm the president of the Cooke City Chamber of Commerce.

And in Cooke City, the mining boom there was 140 years ago. And there ain't nothing wrong with mining. I'm very proud of what my wife does. She's at work today, so she's not on the schedule. And she's going through chemo, that's why I'm so careful with the masks, and she's still showing up every day to work. And that's just kind of the family we are.

But up in Cooke City, it was a largely wildcat-based boom, and they don't work as hard around the core of the environment as they do at Sibanye. That's my wife's primary focus every day at Sibanye. And that's a big input to their bonus structure, is the environmental outputs like SO2. And the wildcatters up in Cooke City did not have that focus. And every decision we make at a chambers 140 years later is impacted by that. Where can we put septics? Where can we re-route the easements to get around the Superfund sites.

A lot of people don't realize how many Superfund 1 sites there are in Cooke City. 2 So I think the CIZ is a no-brainer to 3 help give us a little protection as we start to 4 extract that resource. 5 Thank you. MR. TOM HEYNEMAN: Good afternoon. I'm 6 7 here to lend my voice in favor of the Beartooth Front citizens-initiated zoning. My name is Tom 8 I'm a property owner in the proposed 9 Heyneman. I recognize there are joint 10 zoning area. regulations already in place, but I believe these 11 12 need to be stronger with better oversight, particularly when it comes to fracking and water 13 discharge. 14 One of the things that makes Southern 15 Stillwater County so special is the quality and 16 quantity of water running on top of and under the 17 surface of the proposed zoning area. This water 18 19 is the cornerstone of all life, and my business is no exception, growing grass for livestock, 20 I live in the ecosystem I'm responsible 21 wildlife. 22 for. Not only that, but it brings in tourists 23 from all over the country who come here to fish, 24 hunt, hike, or recreate in the mountains and 25

surrounding areas. While there's no data that 1 exists on how much revenue this brings into the 2 county, I think it's fair to say it's significant. 3 And as stated on page of 46 of the 2015 Stillwater 4 County Economic Plan, it's likely to keep 5 increasing in the years ahead. 6 7 I'm not fundamentally against drilling. In fact, we are in the process of developing an 8 abandoned well to convert to stock well use. 9 believe drilling can and should be done 10 responsibly, and it's up to the Commissioners to 11 make sure this happens in a way that is 12 sustainable and using best practices of the day. 13 Exercising great care that the splendor of the 14 Beartooth Front, the place we call home, is 15 maintained with dignity and an eye to the future. 16 17 Thank you. Good afternoon. MR. PETERSON: 18 Stillwater County Commissioners, my name is Bill 19 My wife and I live at Cathedral 20 Peterson. Mountain Ranch in Nye in the proposed zoning 21 district. We are signers of the CIZ petition, 22 have property, and have lived here in Nye for the 23 We are Montana residents. I was 24 past 13 years. born in Montana, grew up on a farm. My wife is a

nurse. I'm retired from the Navy.

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Well, here we are, still waiting for our local government representatives to respond to its citizens. After years of delay, changing the requirements, litigation, and failure to plan, it is time to become responsible. Please, instead of fighting those who you represent, maybe it's time to show some leadership.

There are a few items that I would like First, I would like to note that to address. those who oppose the formation of a citizen-initiated zone have stated that landowners at Cathedral Mountain Ranch should have no say in this matter because some are part-time residents or because they haven't joined the local fire department. Don't fall for this nonsense. This is just a distraction. We are landowners. We pay taxes and support the local economy as much as This is an arbitrary standard trying anyone else. Let's stick to to be imposed by angry opponents. It's about land ownership. the facts.

Second, the same opponents will tell you that the formation of a zone will necessitate a formation of large bureaucratic offices and staff.

Another falsehood. Other counties have been able

to implement zones without all of this. It is a 1 2 matter of thoughtful planning and implementation. The last city/county planning meeting I 3 4 attended was -- one of the opponents referred to those who are for the CIZ as eco-terrorists. 5 6 of the people I know are senior citizens, people 7 with some life experience and actually care about 8 the legacy that we leave for future generations. If you want to identify eco-terrorists, I can help 9 There are those who pretend to protect 10 the citizens and claim to be watchdogs while 11 selling out to the oil and gas companies, a fox 12 quarding the henhouse situation if there ever was 13 14 one. 15 In 1980 I worked as a geophysical logger. Using various instruments, I recorded the strata 16 17 and drill holes for geologists. I followed drilling rigs around Wyoming and Texas. 18 I saw 19 firsthand the reckless pursuit of fortune at any 20 cost to the environment. Anyone who thinks that these oil companies care about how they do 21 business is misquided -- (muted). 2.2 23 MS. BROWNELL: My name is Joan Brownell.

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I live on my husband's family ranch located within

the proposed citizen-initiated zoning district,

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CIZ. My purpose this afternoon is to provide the Commissioners with a quick overview of the history of the CIZ petition since its inception.

Beginning in August 2014, a group of landowners in Southern Stillwater County made the decision, as provided under Montana statutes, to create a CIZ to protect the region from unregulated land use related to oil and gas development. Let me emphasis that this petition does not address anything besides oil and gas development.

In September 2014, the County

Commissioners were advised of this decision.

Having received almost no guidance on the signature verification process, after repeated requests, we proceeded with our petition. A year later in November 2015, we submitted the CIZ petition to the Commissioners with over 60 percent landowner signatures and over 50 percent land mass within the proposed CIZ.

Several months passed until we finally received the guidelines we had been waiting for since the beginning of this effort. To our surprise, the County now required notarized affidavits from representatives of entities like

corporations or partnerships. If we had known, we 1 would have collected the affidavits during our 2 initial signature gathering. It took over eight 3 months to reconnect with over 100 landowners, but 4 we succeeded and resubmitted the CIZ petition in 5 February 2017. 6 Six months later, in August 2017, 7 Stillwater County notified the petitioners that 8 9 the Clerk and Recorder had completed her tally and validation of landowner signatures and the 60 10 percent threshold necessary had been reached. 11 So in August 2017, the Commissioners 12 could have held a hearing to determine if the 13 public interests or convenience may require this 14 proposed zone. Unfortunately, no hearing occurred 15 due to the County's opinion that mineral interests 16 should have been considered. It is now the 17 beginning of 2001 -- (muted). 18 I'm sorry, Joan. 19 MS. FISHER: Can you There was a mistake. Can you start 20 please stop. at, It is now the beginning of 2001. 21 It is now the beginning of MS. BROWNELL: 22 2001 (sic), and due to District Judge Wald's 23 recent decision, we are having the hearing we had 24 hoped for in August 2017. The public interest 25

began in the fall of 2014 and continued with the
solid support exhibited by over 550 landowners who
signed the petition.
The Beartooth Front CIZ asks for fairness

The Beartooth Front CIZ asks for fairness to landowners. It asks for reasonable oil and gas regulations relevant to our area to protect the health, safety, and welfare of its citizens as stated in the Stillwater County growth policy. This includes our water, air, property, and infrastructure. All this will be determined by the County Planning and Zoning Commission established as a result of your decision to find the zoning district in the public interest and convenience. Thank you.

MR. KATZ: I'm David Katz and these are my personal remarks. The mountain west is home to some of the largest oil and gas producing states in the country. North Dakota is second, Colorado is seventh, Wyoming is eighth, and Montana is 11th. Each of these states has a different set of regulations. Oil and gas operators learned to do business in all of them.

What's more, different counties in Montana have different regulations. They don't hinder oil and gas activity.

Let's take our neighbors in Carbon

County. In 2013, just as we were, they were

concerned about oil and gas activity along the

Beartooth Front. Part of the process worked with

their Commissioners and led to the formation of a

zone in 2016 that provides a number of protections

for county residents through different

regulations.

It establishes a 750-foot minimum distance or setback of oil and gas development from occupied buildings. Provides landowners the right to receive baseline testing paid for by the operator before drilling begins. It requires an approved site plan prior to the issuance of a conditional use permit and ensures dust control on the roads. None of these is required at the state level in Montana.

When you look at statewide regulations, they're very different. Statewide, Montana requires no setback between wellheads and buildings or surface water. Wyoming and North Dakota require a minimum of 500 feet and Colorado now requires a minimum of 2,000. All those states are bigger producers than we are, so those setbacks are not a deterrent to production.

With regard to water testing, Wyoming 1 requires baseline sampling, analysis and 2 In Montana, Carbon County requires monitoring. 3 baseline and operational testing. Gallatin County 4 requires testing for water sources within a mile 5 6 and a half or a kilometer and a half of a 7 wellhead. Montana has no water sampling analysis or monitoring requirements. 8 What's more, the American Petroleum 9 10 Institute, which is a national trade organization for the oil and gas industry, promotes standards 11 12 and best practices for the industry. Across the 13 board, these standards exceed those currently in 14 place in Montana. Montana is a diverse state. 15 Beartooth Front needs to have different 16 protections than do Richland and Fallon Counties 17 in the Bakken, and it's more vulnerable to adverse 18 The evidence today shows this is 19 impact. something we need to do to protect ourselves. 20 Please find this zone in the public interest. All 21 of the information here is documented in my 22 23 written comment. MR. LISCHER: Good afternoon, 24 I'm Hank Lischer. My wife and I 25 Commissioners. 95 have been property owners in Stillwater County since 1994. We are part-year residents of Nye and our property is within the proposed district and we signed the petition.

The petitioners have extended a great effort to get to this point and I want to thank you for your careful attention to this petition and to all of the statements that you will receive.

I believe that the petition complies with each part of the Part 1 zoning requirements.

First, the district may not be created in an area that has been zoned in an incorporated city.

We've satisfied that. Next, the district must be no less than 40 acres. We've satisfied that.

Next, 60 percent of the affected real property owners in the proposed district must join the petition. Prior speakers have confirmed that we have satisfied this requirement.

A district may not regulate land use for agriculture. The petition seeks adoption of regulations only of land use for oil and gas activity. So, for example, take a thousand-acre ranch, ten acres of which are used for oil and gas activity. The regulations that we seek would

apply only to the 10 acres and would not apply to the remaining 990 acres.

The final requirement is the reason for this hearing today for you to determine whether grant of the petition would be in the public interest or convenience. We've heard from Kim Wilson that that's a shorthand for public health, safety, and welfare. We think that creation of the district would allow oil and gas activity while protecting private property, protecting public infrastructure, protecting surface and groundwater, and protecting air quality.

As some may argue to you that there's no need for oil and gas regulations, that the regulations would not be in the public interest or convenience, because there's very little oil and gas activity in the proposed district and, in their opinion, there's little chance of it in the future. I disagree. Oil and gas market prices can change very greatly and exploration and extraction, technology, such as fracking technology, that radically change the business as in the Bakken. Those changes could make many more properties, including properties in the proposed district, attractive for oil and gas activity.

1	So you have heard of the potential impact
2	on local communities, so you need to have
3	regulations in place before the start of that
4	activity. And that's what the petitioners want.
5	In conclusion, I believe the district should be
6	created now and that it would serve the public
7	interest or convenience. Then it would be your
8	task to create reasonable regulations that would
9	allow oil and gas activity while balancing
10	individual surface and mineral rights, rights of
11	other property owners, and other community
12	interests. I recognize that hitting that balance
13	will not be easy but that is what the Montana code
14	gives you authority for. Thank you.
15	CHAIRMAN CRAGO: So, John, how many more
16	people are left on Zoom that have not spoke?
17	MR. THOMAS: I don't know. I think maybe
18	just
19	CHAIRMAN CRAGO: Do you have the hand
20	raise feature active on there? So if there's
21	someone else on Zoom that still remains and has
22	not had an opportunity to speak, please use the
23	hand raise feature. John will select you,
24	identify yourself for the record, and you'll have
25	your three minutes.

1 Hearing or seeing no one else from Zoom, 2 are there any other proponents here in person? (None.) 3 Okay. Are there any opponents on Zoom 4 that would like to use the hand raise feature and 5 6 weigh in at this time? Seeing none on Zoom, are there any here 7 8 in person that would like to take the opportunity 9 to voice their opinion as an opponent to the Beartooth Front citizen-initiated zone? 10 So let's just start here. David, if 11 you'd come identify yourself for the record. 12 I'm David Small. I live just 13 MR. SMALL: outside of Absarokee. I'm a taxpayer in the 14 And even your first speaker happened to 15 county. admit that it could cost the County a little bit 16 17 of money to implement all of this to our Anybody that's ever been around this 18 taxpayers. kind of stuff here, including the Good Neighbor 19 20 Agreement that Stillwater Mine has assigned too. Stillwater pays thousands and thousands of dollars 21 into that committee. It costs them a lot of money 22 to keep that committee up and running. 23 If you don't believe me, go into Northern Plains Council 24 25 Resource and read how much money they actually 99 donate to that because of the Good Neighbor Agreement.

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So if they have to pay it, the taxpayers here in this county is going to wind up paying for this. I hope the Commissioners -- I've talked to them in the past -- I hope they'll go back and read some of the -- listen to some of the planning board meetings that we had. And I've even talked to them where they said they'd like to see the county actually vote on this.

I think the taxpayers in this county, even the people that has been on this here, that says they're supposed to be in the interest of the public and the taxpayers.

The taxpayers of Stillwater County is going to have to pick up -- you're going to have to hire some people, you're going to have to have vehicles for them, you're going to have to have You're going to have to have rooms for them. equipment for them to maintain all this. So it's going to come back down to the County having to So I hope you guys will take that foot this bill. into consideration when you vote for this here. really think it ought to be left up to the taxpayers here in Stillwater County. Thank you. 100 MR. PADON: Hi, my name is Pat Padon. I am a resident of Stillwater County and I live off of Highway 78 between Columbus and Absarokee. The case that you're presenting here is, really, they make it out that the oil companies are very reckless and have no responsibility. The Board of Oil and Gas, the Commission, regulate and have regulations as far as setbacks and as far as water issues.

My questions are about the mineral owners. Are they represented within this whole cause? And if not, they should be. And then within those lands, how much of those lands are considered federal lands and state lands? And did they sign their offer of what they want to do with the zoning? I don't believe they have.

The cost of this for the County, they're not really representing that it will take a lot of money from the county to uphold the regulations they want and to be for oversight. I believe it's -- there's a big cost to that, and the economic revenue that it will cause will push oil companies away. There'll see this and they will walk away from any kind of development, which costs the entire county and the state lots of

money. I don't know the amounts, but it all depends on what they come up with.

And then, as well, I work in the oil and gas industry and I've worked that area several times and I've never had an issue as far as people wanting the water -- this water issue at all. We put together surface use agreements and that's the time where this issue should arise. It's for an individual that has the possibility of development on their property to make those decisions. It's not this whole group thing. It's the individual.

And the proponents, they really think the oil companies are reckless and they have no responsibilities. That is not true. And that's all I would like to say. Thank you.

MR. MATTSON: Thank you. My name is Steve Mattson. I do live in this proposed district, have for 30 years, almost, and live there full time.

The biggest issue I have, of course, is I
don't like the idea that I will lose possibly
rights of my own. One of the things that I've
always been a manager for people in businesses and
I've always lived under the auspice that whatever
I agree for one, I must agree for the other;

meaning, if we set standards and rules for one, how can some other position or other entity do something that would fall under those same quidelines or into the guidelines by this system.

1.3

You know, I know that when we sat through this with the planning board, there was many -- I know this is a different system, a different zoning from Zone 2 to Zone 1, but there was -- they talk about noise, they talk about a lot of issues that would affect other businesses or could affect other businesses. And you can't say no to one and yes to another.

The patchwork system of having this small zone within our large county, I think is going to be very difficult for you to manage. And that's going to start other zones wanting to start. And you're going to have to come up with a system and a plan to manage zone after zone.

I neither want my land or the land around me to be destroyed, the water to be destroyed. I border right on the Forest Service. A lot of things can happen that I have -- I'm not going to say no control, but I would have to deal with those things happening around my property, which I've lived on for a long time.

1	I deal with mine right up there where I
2	live. I worked for the mine. You know, the Bliss
3	project was right by my house, to get in and out
4	of there. And we deal with it and it's a good
5	thing.
6	Anyway, I don't agree with the zone. And
7	I live in that property and I think you need to
8	come up with a larger, overall county plan rather
9	than a patchwork quilt within the county. Thank
10	you.
11	CHAIRMAN CRAGO: Let's stay on this side
12	of the room.
13	MS. MATTSON: My name is Donna Mattson,
14	and I live in the proposed zone and I'm against
15	the citizen zone. I am against any unnecessary
16	government regulation. And it is my understanding
17	that any oil or gas in our area would be cost
18	prohibitive to go after it. I don't see the
19	necessity of this zone and I think it's a waste of
20	time. Thank you.
21	MR. CRAGO: Anyone else on the right side
22	of the room?
23	Anyone here on the left side of the room?
24	MS. JOHNSON: Good afternoon,
25	Commissioner Crago and Commissioner Riveland.

Appreciate the opportunity. My is Carla Johnson and I'm from Absarokee, Montana. And I have several hundred signed petitions and letters that I would like to present to you today. I don't know if this is the time I would present them to you; but, anyway, I have these that I've collected from the community.

I'm in opposition to the citizen's zoning because it doesn't encompass everyone. It doesn't allow everyone's opinion. And yes, the people that are in the zone, I respect their right, but also, this is going to affect the whole county. So I didn't think about it till today, but thank you, Mr. Small. I believe it should be put to a vote to the county because there's people -- I'm finding people every day that don't even know about this, even though I know it's been in the paper and that, but there's a lot of people that don't read the paper. There's a lot of people out in the sticks where we don't see them.

But I am opposed to it. And I agree.

Maybe we should have a vote, because that way you would reach all the people that is going to be affected by it. I'm in opposition to it because also, too, I voted for certain individuals because 105

1	they promised no higher taxes. And I believe in
2	my heart this will create higher taxes, whether
3	they say it will or not.
4	It is also taking away my property
5	rights. Because if I want to do something with my
6	property, I won't be able to because of this
7	zoning.
8	So the other thing, there was a couple
9	gentlemen, Eric Olson, who is big in gas and oil,
10	he says there's not enough much gas up there
11	for people to even waste their time and money to
12	go after it. So he's been in oil and gas forever.
13	Allen Olson, who is in Helena with the oil and
14	gas, he also said that there's existing laws right
15	now in Montana that would cover this. So I
16	personally am against it.
17	So which gentleman do I need to thank
18	you.
19	MR. CRAGO: Please give them to Madisyn.
20	Anyone else from this side of the room
21	have a comment? There was one comment that was
22	left and asked to be read into the record.
23	So Shannon will do that now.
24	MS. FISHER: Commissioners. I, Maureen
25	Davey, am opposed to the proposed creation of a 106

1 citizen-initiated zoning district in Stillwater 2 County, Montana, because, one, it is proposing to 3 interfere with mineral rights owners' rights to 4 develop the mineral in an affordable manner. Second, the signatures on the petition 5 were notarized by notaries who can potentially be 6 7 affected by the zone. 8 Third, petition signers who did not clearly understand the intent of the petition were 9 not given the opportunity to be removed from the 10 petition after it was presented to the Stillwater 11 County Clerk and Recorder. 12 Four, I don't believe this type of zoning 13 is good for the real property and mineral owners 14 15 in the county. And five, I support a safe, responsible 16 17 mineral development. Sincerely, Maureen Davey. CHAIRMAN CRAGO: Are there any other 18 opponents that have not yet had an opportunity? 19 20 (No response.) We'll take the proponents that 21 have spoken as a count for proponents and the 22 23 opponents as a count for opponents that have 2.4 spoken. 25 Are there any other proponents that did 107

1	not speak that would like to be counted as a
2	proponent for the petition? Use your hand raise
3	function if you're on Zoom if you did not speak
4	and would like to be counted.
5	MR. THOMAS: One. Walter Clapp.
6	CHAIRMAN CRAGO: Anyone else? Okay.
7	If you did not have the opportunity or
8	chose not to speak as an opponent, now would be
9	your time to signify with a hand raise here in
10	person or on Zoom, as an opponent to the zone.
11	They have got three signified here in
12	person.
13	Anything on Zoom?
14	MR. THOMAS: Two.
15	CHAIRMAN CRAGO: Two on Zoom. Could you
16	identify those names.
17	MR. THOMAS: Laurie Niemi and then the
18	next name is just the phone (identified later as
19	Jacob Mader).
20	CHAIRMAN CRAGO: With no further
21	comments, we will close this portion of the
22	hearing now at 12:47 p.m.
23	MS. ROHDE: Mr. Crago.
24	CHAIRMAN CRAGO: Yes, ma'am?
25	MS. ROHDE: Let's take a recount on the

people opposing that were in the room. You said three. There may be four.

CHAIRMAN CRAGO: Okay. Sorry. In the room could we show a hands of those that did not speak that were -- I'm still at three. The other one was counted as a speaker.

MS. ROHDE: All right.

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CHAIRMAN CRAGO: Okay. So we will close this portion of the hearing at 12:47 p.m. We will have one more written comment period starting now and will end Wednesday, February 10th, 2021, at Those written comments, like the previous 5 p.m. written comments, must be either hand-delivered and signed or mailed and signed to the County Commissioners' office. If it is postmarked by February 10th, it will still be accepted. postmarked before -- or before today, it will not be -- or after the 10th, it will not be accepted. So anything postmarked the 3rd of February through the 10th of February will be accepted as written comment on the zone.

The final decision will be made on Wednesday, March 10th, 2021, at 10 a.m. during a special agenda meeting. That location is yet to be determined. We will check for space

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availability and get that information out and post it as quick as we have identified a location to have that. I would also like to thank the Evangelical Church for opening your doors and allowing us to have the Internet capability and the space we needed for this. It was very kind and generous of you guys and we do appreciate that. So at this time we will adjourn and look forward to hearing any more or seeing any more comment here in the future. (Whereupon, the meeting duly ended at 12:47 p.m.)

1	CERTIFICATE
2	STATE OF MONTANA)
3	: ss. County of Stillwater)
4	
5	I, Sharon L. Gaughan, RDR, CRR, CRC,
6	Court Reporter for the State of Montana, residing
7	in Billings, Montana, do hereby certify:
8	That I was duly authorized to and did
9	report the public meeting;
10	I further certify that the foregoing 110
11	pages of this transcript represent a true and
12	accurate transcription of my stenotype notes.
13	
14	DATED this, the 12th day of February,
15	2021.
16	
17	
18	
19	Sharm & Haykan
20	SHARON L GAUGHAN
21	NOTARY PUBLIC for the State of Montana
22	Residing at Billings, Montana My Commission Expires April 12, 2022
23	
24	
25	111

	a or commissioners rab			
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